Case 6:18-bk-19174-SC Doc 32 Filed 12/21/18 Entered 12/21/18 16:16:08 Desc Main Document Page 2 of 24

the Movant seeks to "foreclose upon and obtain possession of the Property" located at 45251 Saint Tisbury Street, Temecula, CA 92592 (the "Real Property"). See Motion, pg. 5, ¶ 2.

The basis of the Trustee's Opposition (the "Opposition") is that the Estate and its body of creditors would be highly prejudiced if the Motion is granted at this juncture. Per his Schedule A/B, the Debtor listed a value \$575,000.00 on the Real Property. See Exhibit "1", Schedule A/B. The Debtor's Schedule D reflected a singular secured claim of \$645,000.00 against the Real Property in favor of "Mr. Cooper". See Exhibit "2", Schedule D.

This does not appear to be correct. Per the Motion, the total amount owed is only \$616,612.46. See Motion, pg. 8, ¶ 11(e). Further, the Trustee is advised by his realtor that the Real Property has a fair market value of approximately \$610,000.00 and is a good candidate for a short sale. See attached Declaration of John P. Pringle.

Based on the apparent simultaneous (1) undervaluation of the Real Property and (2) inflated secured claim listed by the Debtor, coupled with the Real Property being a good candidate for a short sale, the Trustee expects the liquidation of the Real Property to provide for a source of funds in which creditors, including the Movant, can be paid. As such, granting the Motion, at this juncture before the Real Property can be sold, would substantially interfere with the orderly liquidation of the Real Property to the detriment of the Estate and its body of creditors.

The Real Property should be administered by the Trustee for the benefits of all creditors, including the Movant, and thereby fulfilling the important bankruptcy policies of preserving the Debtor's assets and the orderly liquidation of same. The Opposition is based on the attached Memorandum of Points and Authorities and Declaration in support thereof. The Opposition is made pursuant to all authorities cited herein.

Pursuant to Loc. Bankr. Rule 9013-1(f), any reply to the Opposition must be in writing, filed with the Clerk of the United States Bankruptcy Court, and served upon the Trustee's counsel,

Cas	e 6:18-bk-19174-SC	Doc 32 Filed 12 Main Document	2/21/18 Entered 12/21/18 16:16:08 Page 3 of 24	Desc
1	whose address appears	in the upper left c	orner of the first page of this Opposition	n, no later than
2	seven (7) days prior to	the above-schedule	ed hearing date. Pursuant to Loc. Bankr	. R. 9013-1(h),
3	failure to timely file an	nd serve a responsiv	ve pleading may be deemed to constitute	consent to the
4	instant request herein.	Copies of all plead	lings in the Debtor's Bankruptcy Case m	ay be obtained
5 6	from the Clerk's Office	2.		
7				
8			Respectfully submitted,	
9				
10	DATED: December 21	, 2018	ROQUEMORE, PRINGLE & MOOI	RE, INC.
11			- mandel	
12			Toan B. Chung, Esq.	
13			(Proposed) Attorney for John P. Prin Chapter 7 Trustee	ngle,
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MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL BACKGROUND

- 1. Cecil Jerry Edens Jr. (the "Debtor") filed his Voluntary Petition under Chapter 7 of Title 11 in this case on October 29, 2018 (the "Petition Date"). John P. Pringle is the duly appointed and acting Chapter 7 Trustee (the "Trustee").
- 2. Amongst the property subject to administration by the Trustee for the benefit of the Estate and its creditors is the parcel of real property located at 45251 Saint Tisbury Street, Temecula, CA 92592 (the "Real Property"). The Debtor valued the Real Property at \$575,000.00 A true and correct copy of the Debtor's Schedule A/B reflecting same is attached hereto and incorporated herein as **Exhibit "1"**.
- 3. The Debtor does not claim any exemption on the Real Property. A true and correct copy of the Debtor's Schedule C reflecting same is attached hereto and incorporated herein as **Exhibit "2"**.
- 4. The Debtor's Schedule D reflected a singular secured claim of \$645,000.00 against the Real Property in favor of "Mr. Cooper". No other secured creditor is listed. A true and correct copy of the Debtor's Schedule C reflecting same is attached hereto and incorporated herein as **Exhibit "3"**.
- 5. Based on the above, the Debtor represents to the Court and the Trustee that the Real Property is without any equity as the listed secured debt is greater than the listed value.
- 6. On December 10, 2018, the Bank of New York Mellon (the "Movant") filed its Motion for Relief from the Automatic Stay (the "Motion") regarding the Real Property. Per the Motion, the Movant is the only lienholder and the secured lien totals \$616,612.46 (see Motion, pg. 8, ¶ 11(e)).

- 7. The Trustee is advised by his realtor that the Real Property has a fair market value of approximately \$610,000.00 and is a good candidate for a short sale. <u>See</u> attached Declaration of John P. Pringle.
- 8. Based on the apparent simultaneous (1) undervaluation of the Real Property and (2) inflated secured claim listed by the Debtor, couples with the Real Property being a good candidate for a short sale, the Trustee expect the liquidation of the Real Property to provide for a source of funds in which creditors, including the Movant, can be paid. As such, granting the Motion, at this juncture before the Real Property can be sold, would substantially interfere with the orderly liquidation of the Real Property to the detriment of the Estate and its body of creditors.
- 9. Consequently, the Trustee is compelled to file this Opposition. The Real Property should be administered by the Trustee for the benefits of all creditors, including the Movant, and thereby fulfilling the important bankruptcy policies of preserving the Debtor's assets and the orderly liquidation of same.

II. DISCUSSION

THE ESTATE AND ITS BODY OF CREDITORS WOULD BE HIGHLY PREJUDICED IF THE MOTION IS GRANTED.

Under Title 11 of the United States Code, the Trustee has the statutory duty to "collect and reduced to money the property of the estate . . ." See 11 U.S.C. § 704(a)(1). Title 11 further provides that the Court "may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." See 11 U.S.C. § 105 (a).

Here, the Estate and its body of creditors would be highly prejudiced if the Motion is granted at this juncture. Per his Schedule A/B, the Debtor listed a value \$575,000.00 on the Real Property. See Exhibit "1", Schedule A/B. The Debtor's Schedule D reflected a singular secured claim of \$645,000.00 against the Real Property in favor of "Mr. Cooper". See Exhibit "2",

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Schedule D.

This does not appear to be correct. Per the Motion, the total amount owed is only \$616,612.46. See Motion, pg. 8, ¶ 11(e). Further, the Trustee is advised by his realtor that the Real Property has a fair market value of approximately \$610,000.00 and is a good candidate for a short sale. See attached Declaration of John P. Pringle.

Based on the apparent simultaneous (1) undervaluation of the Real Property and (2) inflated secured claim listed by the Debtor, couples with the Real Property being a good candidate for a short sale, the Trustee expect the liquidation of the Real Property to provide for a source of funds in which creditors, including the Movant, can be paid. As such, granting the Motion, at this juncture before the Real Property can be sold, would substantially interfere with the orderly liquidation of the Real Property to the detriment of the Estate and its body of creditors.

The Real Property should be administered by the Trustee for the benefits of all creditors, including the Movant, and thereby fulfilling the important bankruptcy policies of preserving the Debtor's assets and the orderly liquidation of same.

III. CONCLUSION

WHEREFORE, the Chapter 7 Trustee prays for orders, as follows:

- 1. That the Motion is denied in its entirety; and
- 2. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

DATED: December 21, 2018 ROQUEMORE, PRINGLE & MOORE, INC.

Toan B. Chung, Esq.

(Proposed) Attorney for John P. Pringle,

Chapter 7 Trustee

DECLARATION OF THE TRUSTEE

I, John P. Pringle, declare and state as follows:

- 1. I am the duly appointed and acting Chapter 7 Trustee (the "Trustee") of the bankruptcy estate (the "Estate") of the above-captioned debtor Cecil Jerry Edens Jr. (the "Debtor"). I am an individual above the age of 18 years. I have personal knowledge of all the facts set forth in this Declaration. I could and would competently testify thereto if so called as a witness, except where matters are stated on information and belief, in which case I am informed and believe that the facts so stated are true and correct.
- 2. The Debtor filed his Voluntary Petition under Chapter 7 of Title 11 in this case on October 29, 2018 (the "Petition Date"). Amongst the property subject to administration by the Trustee for the benefit of the Estate and its creditors is the parcel of real property located at 45251 Saint Tisbury Street, Temecula, CA 92592 (the "Real Property"). The Debtor valued the Real Property at \$575,000.00. A true and correct copy of the Debtor's Schedule A/B reflecting same is attached hereto and incorporated herein as **Exhibit "1"**.
- 3. The Debtor does not claim any exemption on the Real Property. A true and correct copy of the Debtor's Schedule C reflecting same is attached hereto and incorporated herein as **Exhibit "2"**.
- 4. The Debtor's Schedule D reflected a singular secured claim of \$645,000.00 against the Real Property in favor of "Mr. Cooper". No other secured creditor is listed. A true and correct copy of the Debtor's Schedule C reflecting same is attached hereto and incorporated herein as **Exhibit "3"**.
- 5. Based on the above, the Debtor represents to the Court and me that the Real Property is without any equity as the listed secured debt is greater than the listed value.

1 2

1/

- 6. On December 10, 2018, the Bank of New York Mellon (the "Movant") filed its Motion for Relief from the Automatic Stay (the "Motion") regarding the Real Property. Per the Motion, the Movant is the only lienholder and the secured lien totals \$616,612.46 (see Motion, pg. 8, ¶ 11(e)).
- 7. I am advised by my realtor, Deborah Priebe, that the Real Property has a fair market value of approximately \$610,000.00 and is a good candidate for a short sale.
- 8. Based on the apparent simultaneous (1) undervaluation of the Real Property and (2) inflated secured claim listed by the Debtor, couples with the Real Property being a good candidate for a short sale, I expect the liquidation of the Real Property to provide for a source of funds in which creditors, including the Movant, can be paid. As such, granting the Motion, at this juncture before the Real Property can be sold, would substantially interfere with the orderly liquidation of the Real Property to the detriment of the Estate and its body of creditors.

I declare under penalty of perjury that the foregoing is true and correct on this 21st day of December, 2018 at Los Angeles, California.

John P. Pringle, Chapter 7 Trustee

Exhibit "1"

Fill in t	his information to	identify your case and t	nad32 F###dd1M3M88 Nurflina	=Etatered1 110fof024	L2\2\\48\36\16\0\	3 Di D i§Sc
Debtor 1	Cecil		Edens			
	First Name	Miccle Name	Last Name			
Debtor 2 (Spouse, i	if filing) First Namo	Middle Name	Last Name			
Jnited St	tates Bankruptov Cour	t for the: Central Distric				
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ase noi	RIDE!		***************************************		ſ	7 05 - 1 20 - 1
					•	Check if this is an amended filing
Offic	ial Form 10)6A/R				amorada ming
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ocr	redule A	/B: Proper	ty			12/15
spons	sible for supplying our name and case	correct information. If r number (if known). Ans	ns. List an asset only once. If an as elete and accurate as possible. If two more space is needed, attach a sepa swer every question.	married peop rate sheet to t	le are filing together, but his form. On the top of a	t the asset in the oth are equally any additional pages
Do yo	u own or have any	legal or equitable inter	est in any residence, building, land,	or similar pro	nerty?	
U No	o. Go to Part 2.			or ournal proj	outy:	
✓ Ye	es. Where is the pro	perty?				
			What is the property? Check all the	at apply.	Do not deduct secured cl	aims or exemptions. Put
1.1.	45251 Saint Tis	sbury Street	Single-family home Duplex or multi-unit building		the amount of any secure Creditors Who Have Clair	d claims on Schoolide D.
	Street address, if avai	lable, or other description	Condominium or cooperative		- W_	
			Manufactured or mobile home		Current value of the entire property?	Current value of the portion you own?
			Land		\$ 575,000.00	\$ 575,000.00
	Temecula	CA 92592	Investment property			
1	City	State ZIP Code	Timeshare Other		Describe the nature of interest (such as fee	of your ownership
			***************************************	***************************************	the entireties, or a life	e estate), if known.
	Riverside		Who has an interest in the prope	erty? Check one.		
•••	County		Debtor 1 only Debtor 2 only			
	•		Debtor 1 and Debtor 2 only		Check if this is co	mmunity property
			At least one of the debtors and ar	other	(see instructions)	minumey property
			Other information you wish to a		em, such as local	
you o	wn or have more the	an one list here:	property identification number:	***************************************		
•		an one; not nere,	What is the property? Check all that	anali.		
			☐ Single-family home	арріу.	Do not deduct secured cla the amount of any secured	ims or exemptions. Put
1.2. S	Street address, if availa	ble, or other description	Duplex or multi-unit building		Creditors Who Have Claim	is Secured by Property.
		·	Condominium or cooperative		Current value of the	Current value of the
			☐ Manufactured or mobile home ☐ Land		entire property?	portion you own?
			☐ Land ☐ Investment property		\$	\$
ਰ	ity	State ZIP Code	Timeshare		Describe the nature of	Vour ownership
_	•••	State ZIP Code	Other		Interest (such as fee s	imple, tenancy by
			Who has an interest in the propert	v? Check one.	the entireties, or a life	estate), if known.
			Debtor 1 only	y . Oneca one,	7.2	
C	ounty		Debtor 2 only			
			Debtor 1 and Debtor 2 only		☐ Check if this is con	nmunity proporty
			At least one of the debtors and anot	her	(see instructions)	property
			Other information you wish to add property identification number:	about this iten	n, such as local	
ol Ec-	n 1064 (D		, !			
ai r Orn	n 106A/B		Schedule A/B: Property			page 1

		l y (Wain Document Page	= EINGO 011 210101024			
1.3.	Street address, if availa	able, or other description	What is the property? Check all the Single-family home Duplex or multi-unit building Condominium or cooperative Manufactured or mobile home	at apply.	Do not deduct secured the amount of any secu Creditors Who Have Cl Current value of the entire property?	red claims on S laims Secured by	chedule D: Property.
	City	State ZIP Code	Land Investment property Timeshare		\$	\$s e of your own	ership
			Other		the entireties, or a	ife estate), if	known.
	County		Who has an interest in the prope Debtor 1 only Debtor 2 only Debtor 1 and Debtor 2 only At least one of the debtors and an		Check if this is a (see instructions)		operty
			Other information you wish to ad property identification number:	d about this ite	em, such as local		
Add ti	he dollar value of the	portion you own for al	l of your entries from Part 1, includ	ding any entries	s for pages		ZE 000 6
you h	nave attached for Par	t 1. Write that number h	nere	***************************************	······	§ <u>5/</u>	75,000. C
you o	Describe Your own, lease, or have le that someone else driv	egal or equitable interes	t in any vehicles, whether they are a also report it on Schedule G: Execu	registered or r	not? Include any vehicle and Unexpired Leases.	es	in the later of th
you o own t Cars,	own, lease, or have le that someone else driv vans, trucks, tractors	egal or equitable interes	e, also report it on Schedule G: Execu	registered or r Itory Contracts a	not? Include any vehicl and Unexpired Leases.	es	
you o own t Cars,	own, lease, or have le that someone else driv vans, trucks, tractors	egal or equitable interes ves. If you lease a vehicle	e, also report it on Schedule G: Execu	registered or r utory Contracts a	not? Include any vehicl and Unexpired Leases.	es	
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you o own t Cars, No Ye 3.1.	own, lease, or have le that someone else driv vans, trucks, tractors o es Make:	egal or equitable interestyes. If you lease a vehicle s, sport utility vehicles, Toyota Highlander 2018	e, also report it on Schedule G: Execumotorcycles Who has an interest in the proper	ttory Contracts a	and Unexpired Leases. Do not deduct secured of the amount of any secure.	laims or exempt ed claims on Sc ims Secured by	ions. Put hedule D; Property. lue of the
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you o own t	own, lease, or have lethat someone else driverans, trucks, tractors of the session of the sessio	rgal or equitable interestives. If you lease a vehicle s, sport utility vehicles, Toyota Highlander 2018 4300	who has an interest in the proper Debtor 1 only Debtor 2 only At least one of the debtors and ano	ty? Check one.	Do not deduct secured of the amount of any secur Creditors Who Have Cla Current value of the entire property?	laims or exempt ed claims on Sc ims Secured by Current va portion you	ions. Put hedule D; Property. lue of the u own?
you of own to cars, No Ye Ye	own, lease, or have le that someone else driv vans, trucks, tractors o es Make: Model: Year: Approximate mileage:	rgal or equitable interestores. If you lease a vehicle so, sport utility vehicles, Toyota Highlander 2018 4300	who has an interest in the proper Debtor 1 only Debtor 2 only At least one of the debtors and ano	ty? Check one.	Do not deduct secured of the amount of any secure Creditors Who Have Cla Current value of the entire property? \$ 32,000.00	daims or exempted claims on Sc ims Secured by Current va portion you	ions. Put hedule D: Property. lue of the u own?
you o own t Cars, No Ye 3.1.	own, lease, or have lethat someone else driv vans, trucks, tractors oss Make: Model: Year: Approximate mileage: Other information: own or have more than Make: Model:	regal or equitable interestores. If you lease a vehicle so, sport utility vehicles, Toyota Highlander 2018 4300 Tonone, describe here: Toyota Rav4	motorcycles Who has an interest in the proper Debtor 1 only Debtor 2 only Debtor 1 and Debtor 2 only At least one of the debtors and and Check if this is community pro instructions) Who has an interest in the propert Debtor 1 only	ty? Check one.	Do not deduct secured of the amount of any secur Creditors Who Have Cla Current value of the entire property?	claims or exemption defined claims on exemption you saims or exemption so claims or exemption of claims on exemption of claims on exemption so claims so claims on exemption so claims on exemption so claims so claims on exemption so claims so claims on exemption exemption exemption exemption exempt	ions. Put hedule D: Property. Iue of the u own? 2,000.00
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P2000e312fol624 When Document Who has an interest in the property? Check one. 3.3. Make: Do not deduct secured claims or exemptions. Put Debtor 1 only the amount of any secured claims on Schedule D: Model: Creditors Who Have Claims Secured by Property. Debtor 2 only Year: Debtor 1 and Debtor 2 only Current value of the Current value of the Approximate mileage: entire property? portion you own? At least one of the debtors and another Other information: Check if this is community property (see instructions) Who has an interest in the property? Check one. 3.4. Make: Do not deduct secured claims or exemptions. Put Debtor 1 only the amount of any secured claims on Schedule D: Model: Creditors Who Have Claims Secured by Property. Debtor 2 only Year: Debtor 1 and Debtor 2 only Current value of the Current value of the Approximate mileage: entire property? At least one of the debtors and another portion you own? Other information: Check if this is community property (see instructions) 4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories **Ø** No ☐ Yes Who has an interest in the property? Check one. Make: Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule D: Debtor 1 only Model: Creditors Who Have Claims Secured by Property. Debtor 2 only Year ☐ Debtor 1 and Debtor 2 only Current value of the Current value of the Other information: At least one of the debtors and another entire property? portion you own? Check if this is community property (see instructions) If you own or have more than one, list here: Who has an interest in the property? Check one. Make: Do not deduct secured claims or exemptions. Put Debtor 1 only the amount of any secured claims on Schedule D. Model: Creditors Who Have Claims Secured by Property. Debtor 2 only Year: Current value of the Current value of the Debtor 1 and Debtor 2 only portion you own? Other information: entire property? At least one of the debtors and another Check if this is community property (see instructions) 5. Add the dollar value of the portion you own for all of your entries from Part 2, including any entries for pages 57,000.00 you have attached for Part 2. Write that number here

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Debtor 1

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Part 3: Describe Y	our Personal and Household Items		
Do you own or have an	y legal or equitable interest in any of the following items?		Current value of the portion you own? Do not deduct secured claims
C. Harrach III			or exemptions.
6. Household goods as			
	liances, furniture, linens, china, kitchenware		
☐ No ☑ Yes. Describe			s1,000.00
7. Electronics	to the second se		
Examples: Television collections No	s and radios; audio, video, stereo, and digital equipment; computers, ; electronic devices including cell phones, cameras, media players, g	games	
Yes. Describe	···		s500.00
8. Collectibles of value	A CARACAMAN AND AND AND AND AND AND AND AND AND A	* The state of the	.i
stamp, con	nd figurines; paintings, prints, or other artwork; books, pictures, or other or baseball card collections; other collections, memorabilia, collections	ibles	
Yes. Describe			\$
9. Equipment for sports	and hobbies	одного и и потом и населений доди и и населения и населения населе	on.
and kayaks	olographic, exercise, and other hobby equipment; bicycles, pool table s; carpentry tools; musical instruments	es, golf clubs, skis; canoes	
₩ No	THE CONTRACTOR OF THE CONTRACT		no,
☐ Yes. Describe			S
10. Firearms		- Administration of the second	
Examples: Pistols, riflo	s, shotguns, animunition, and related equipment		
Yes. Describe			\$
11. Clothes	e e e e e e e e e e e e e e e e e e e	manufacture and a first success and all the second successful and another second successful and a second specifical	wi
☐ No	othes, furs, leather coats, designer wear, shoes, accessories		
Yes. Describe	A STATE OF THE THE STATE OF THE		s500.00
2. Jewelry Examples: Everyday je gold, silver	welry, costume jewelry, engagement rings, wedding rings, heirloom j	ewelry, watches, gems,	
No Yes, Describe	wedding rings		E00.00
	The state of the s	- Control of the cont	s500.00
 Non-farm animals Examples: Dogs, cats, t 	pirds, horses		
✓ No✓ Yes. Describe			S
4. Any other personal and	d household items you did not already list, including any health		<u> </u>
✓ No✓ Yes. Give specific	, with moraling any meaning	and you did not list	
		į.	

Official Form 106A/B

Schedule A/B: Property

15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write that number here

page 4

2,500.00

Debtor 1 COSSESSIBERAL 291744SSC...Doc 32 PHOLD 12/21/88 Entended 12/21/88 26:26:58 Doesc Waim Document Page 514 6/024

Part 4: Describe Your Financ	ial	Asset
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Do you own or have an	ry legal or equitable interest in	any of the following?		Current value of the portion you own? Do not deduct secured claims or exemptions.
16. Cash				
	u have in your wallet, in your ho	me, in a safe deposit box, and o	on hand when you file your petition	
₩ No				
☐ Yes			Cash:	\$
17. Deposits of money Examples: Checking, and other	savings, or other financial accor similar institutions. If you have n	unts; certificates of deposit; sha nultiple accounts with the same	ares in credit unions, brokerage houses,	
□ No	,	,	modulon, not odon.	
Yes	•	Institution name:	•	
	17.1. Checking account:	Chase		0.400.00
	17.2. Checking account:	Chase		\$
	17.3. Savings account:			\$30.00
	17.4. Savings account:			\$
·	17.5. Certificates of deposit:		,	\$
	17.6. Other financial account:			\$
	17.7. Other financial account:			\$
			:	\$
	17.8. Other financial account:			\$
	17.9. Other financial account:	***************************************		\$
18. Bonds, mutual funds,	or publicly traded stocks			
Examples: Bond funds,	investment accounts with broke	erage firms, money market acco	punts	
No Yes	Inable dian			
100	Institution or issuer name: Fidelity			
				s650.00
				\$
				\$
Non-publicly traded st an LLC, partnership, a	tock and interests in incorpora and joint venture	ated and unincorporated bus	inesses, including an interest in	
☑ No	Name of entity:		% of ownership:	
Yes. Give specific information about	-		·	s
them				\$ \$
				\$

Official Form 106A/B

Schedule A/B: Property

Debtor 1 Cassific at 14.99744SC. Dood 3denstand 1/2/2/1/18 Ephanold 1/2/2/1/18836363658 Desc. What in Declination Fragge 19 div24

20. Government and cor	porate bonds and	other negotiable and non-negotiab	le instruments	
Negotiable instruments	s include personal c	hecks, cashiers' checks, promissory cannot transfer to someone by signi	notes and money arders	
☑ No				
Yes. Give specific	Issuer name:			
information about them				•
o to the contract of the contr				
				- \$ <u>.</u>
				- S
21. Retirement or pension	accounts			
		, 401(k), 403(b), thrift savings accour	nts, or other pension or profit-sharing pla	ns
☑ No				
Yes. List each				
account separately.	Type of account:	Institution name:		
	401(k) or similar pla	in:		S
	Pension plan:			\$
	IRA:			
	Retirement account			_ \$
				\$
	Keogh:			S
	Additional account:			S <u></u>
	Additional account:			_ \$
companies, or others	with landlords, prep	made so that you may continue servaid rent, public utilities (electric, gas,	water), telecommunications	
☑ No				
☐ Yes	l	nstitution name or individual:		
	Electric:			\$
	Gas:		:	\$
	Heating oil:			\$
	Security deposit on re	ental unit:		\$
	Prepaid rent:	A Company of the Comp		\$
	Telephone;			
				S
	Water:			\$
	Water: Rented furniture:			\$
				\$
	Rented furniture:		:	\$
23. Annuities (A contract for	Rented furniture: Other:			\$
23. Annuities (A contract for Mo	Rented furniture: Other:			\$
☑ No	Rented furniture: Other:	of money to you, either for life or for		\$
☑ No	Rented furniture: Other: a periodic payment	of money to you, either for life or for scription:	a number of years)	
☑ No	Rented furniture: Other: a periodic payment	of money to you, either for life or for scription:		\$

Official Form 106A/B

	in an account in a qualified ARLE was asset to the second	
26 U.S.C. §§ 530(b)(1), 529A(A, in an account in a qualified ABLE program, or under a qualified state tuition program b), and 529(b)(1).	•
☑ No		
☐ Yes	Institution name and description. Separately file the records of any interests.11 U.S.C. § 52	1/c):
	of any motosis. It o.s.c. g oz	(U).
		_ \$
		- \$
		- \$
Trusts, equitable or future in exercisable for your benefit	terests in property (other than anything listed in line 1), and rights or powers	
☑ No		
Yes. Give specific		
information about them		\$
Patents convights tradoma		warnen .
Examples: Internet domain nan	rks, trade secrets, and other intellectual property nes, websites, proceeds from royalties and licensing agreements	•
☑ No	websites, proceeds from royalities and licensing agreements	
☐ Yes. Give specific		
information about them		\$
	AND THE PROPERTY OF THE PROPER	and a s
Licenses, franchises, and oth Examples: Building permits, ex-	ner general intangibles clusive licenses, cooperative association holdings, liquor licenses, professional licenses	
☑ No		
Yes. Give specific	**************************************	
information about them		\$
ney or property owed to you?	· STEEL TO THE THE HER TO SELECT A CONTROL OF THE C	energia. Tanàna
y o. proporty owou to you.		Current value of the
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en e	보는 사람들이 보고 있는 것이 바다 하는 사람들이 되는 것이 되었다. 그런 사람들이 바다 하는 사람들이 되었다. 	claims or exemptions.
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✓ No Yes. Give specific information about them, including whether the properties of the properties of the properties.	whether turns State:	\$ \$ \$
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No Yes. Give specific information about them, including we your already filed the reand the tax years	whether turns State:	\$
No Yes. Give specific information about them, including when you already filed the real and the tax years	whether turns State: Local: The alimony, spousal support, child support, maintenance, divorce settlement, property settlement.	\$
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Examples: Health, disability, of life insurance, health eavings account (HSA); credit, homeowner's, or renter's insurance	31. Interests in insurance policies		······································	
Yes. Name the insurance company of each policy and list its value Company harms: Beneficiary Surrender or retund value of each policy and list its value Company harms: Senediciary Surrender or retund value Senediciary Surrender		rance; health savings account (HSA); o	credit, homeowner's or renter's insurance	
of each policy and list its value. Semender or refund varies \$	✓ No	, ,	, , , , , , , , , , , , , , , , , , ,	
22 Any Interest in property that is due you from someone who has died If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled in neceive property because someone has clied. 2 No 2 No 3. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment Examples: Academis, employment disputes, insurance claims, or rights to sue 3. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment Examples: Academis, employment disputes, insurance claims, or rights to sue 3. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment Examples: Academis, employment disputes, insurance claims, or rights to sue 3. Other contingent and untilquidated claims of every nature, including counterclaims of the debtor and rights 3. Other contingent and untilquidated claims of every nature, including counterclaims of the debtor and rights 3. Any financial assets you did not already list 3. No 3. No 3. No 3. Shays financial assets you did not already list 3. No 3. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached 4. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached 5. Any financial assets you did not already list 3. No 3. Os openible and list any financial assets for pages you have attached 5. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached 5. Any financial assets you did not already list 6. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached 6. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached 6. Describe Any Business-Related Property You O	Yes. Name the insurance company of each policy and list its value	Company name:	Beneficiary;	Surrender or refund value:
\$ 2 Any Interest in property that is due you from someone who has died If you are the beneficiary of a living trust, expect proceeds from a He insurance policy, or are currently entitled in receive property because someone has died. No Yes. Give specific information		AND 17 Mary 1997		<u> </u>
32 Any Interest in property that is due you from someone who has died If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently ensitled to receive property because souncers has died. In No Yes, Give specific information. 3. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment Examples: Accidents, employment disputes, insurance claims, or rights to sue No No No, No, No, No, No, No,				<u> </u>
If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive properly because someone has died. No				\$
3. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment Examples: Accidents, employment disputes, insurance claims, or rights to see No Yes, Describe each claim.	If you are the beneficiary of a living trust property because someone has died. No	s, expect proceeds from a life insurance	e policy, or are currently entitled to receive	
33 Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment Examples: Accidents, employment disputes, insurance claims, or rights to sue A No Yes, Describe each claim. A No Yes, Describe each claims No Yes, Describe each claims Samples: Accidents and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims No Yes, Describe each claim Samples: Accidents and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims No Yes, Describe each claim Samples: Accidents and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims No Yes, Describe each claim Samples: Accident accidents and the debtor and rights Samples: Accidents accidents and the debtor and rights Samples: Accidents accidents and the debtor and rights Samples: Accidents accidents accidents and rights Samples: Accidents accidents accidents and rights and supplies Samples: Business-related computers, software, notions, printers, copiers, fax machines, rugs, telephones, desks, chairs, electronic devices No Current value of the portion you own? Samples: Describe	☐ Yes. Give specific information	· · ·		Programme Constant
Examples: Accounts receivable or commissions you already earned Accounts receivable or commissions you already earned No Yes. Gold Part 6. Yes. Gold Part 8. Current value of the portion you own? Do not decast secured claim or examptions.		· · · · · · · · · · · · · · · · · · ·	- Company of the Comp	\$
34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims No Ves. Describe each claim. \$ 35. Any financial assets you did not already list No Ves. Give specific information. \$ 36. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached for Part 4. Write that number here \$ 3.080.0 Part 5: Describe Any Business-Related Property You Own or Have an Interest In. List any real estate in Part No. Go to Part 6. Ves. Go to line 38. Current value of the portion you own? Do not deduct secured claim or exemptions. Accounts receivable or commissions you already earned No. Or Ves. Describe. S Office equipment, furnishings, and supplies Examples: Business-related computers. software, nodeme, printers, copiers, fax machines, rugs, telephones, deaks, chairs, electronic devices No. No. Ves. Describe	Examples: Accidents, employment dispu	ites, insurance claims, or rights to sue		· ····
34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims ☑ No ☐ Yes. Describe each claim				\$
Test. Describe each claim	No No	ims of every nature, including coun	terclaims of the debtor and rights	
35. Any financial assets you did not already list No	☐ Yes. Describe each claim	••		· ·
Part 5: Describe Any Business-Related Property You Own or Have an Interest In. List any real estate in Part 7. Do you own or have any legal or equitable interest in any business-related property? ☑ No. Go to Part 6. ☐ Yes. Go to line 38. Current value of the portion you own? Do not deduct secured clair or exemptions. 8. Accounts receivable or commissions you already earned ☐ No ☐ Yes. Describe 9. Office equipment, furnishings, and supplies Examples: Business-related computers, software, modems, printers, copiers, fax machines, rugs, telephones, desks, chairs, electronic devices ☐ No ☐ Yes. Describe S.	Yes, Give specific information	les from Part 4. including any entrie	S for names you have attrohed	\$
7. Do you own or have any legal or equitable interest in any business-related property? No. Go to Part 6. Yes. Go to line 38. Current value of the portion you own? Do not deduct secured clair or exemptions. Accounts receivable or commissions you already earned No Yes. Describe	for Part 4. Write that number here			\$3,080.00
7. Do you own or have any legal or equitable interest in any business-related property? No. Go to Part 6. Yes. Go to line 38. Current value of the portion you own? Do not deduct secured clair or exemptions. Accounts receivable or commissions you already earned No Yes. Describe Office equipment, furnishings, and supplies Examples: Business-related computers, software, modems, printers, copiers, fax machines, rugs, telephones, desks, chairs, electronic devices No Yes. Describe			en e	
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9. Office equipment, furnishings, and supplies Examples: Business-related computers, software, modems, printers, copiers, fax machines, rugs, telephones, desks, chairs, electronic devices No Yes. Describe	200 ·	, SSAN "Communication of the state of the st	S. Alberton de la companya del companya de la companya de la companya del companya de la company	and the same ray
9. Office equipment, furnishings, and supplies Examples: Business-related computers, software, modems, printers, copiers, fax machines, rugs, telephones, desks, chairs, electronic devices No Yes. Describe				s
Examples: Business-related computers, software, modems, printers, copiers, fax machines, rugs, telephones, desks, chairs, electronic devices No Yes. Describe	Office equipment, furnishings, and sup	plies		
☐ Yes. Describe	Examples: Business-related computers, software		, rugs, telephones, desks, chairs, electronic devi	ces
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National and the second	Yes. Describe			\$
		Commission (1) (1) And independence (1) in internal above (1)	A PORTUGUISMA CONTRACTOR OF THE PROPERTY OF TH	

	Walin-Locument Heage-187 dt/24		
40. Machinery, fixtures,	equipment, supplies you use in business, and tools of your trade		
☐ No			
☐ Yes. Describe	The second secon	and the contribution of the second section is the second section of the second section in the second	
	A Committed control of the Committee of	refer formation to the conjugation of the	5
41. Inventory			
□ No		23. 03.5880031444441 2444444	****
Yes, Describe			\$
•		and the state of t	
42. Interests in partnersh	ips or joint ventures		
□ No			
☐ Yes. Describe	Name of entity:	6 of ownership;	
		%	\$
		%	\$
		%	\$
43. Customer lists, mailir	g lists, or other compilations		
☐ No			
☐ Yes. Do your lists	include personally identifiable information (as defined in 11 U.S.C. § 101(41A))?		
☐ No ☐ Yes. Desc	riho		
☐ Yes. Desc	nde		\$
	TO ANNUAL PROPERTY OF THE PROP	Mer a transfer and a district and a second of the second and a second and a second and a second and a second a	
44. Any business-related No	property you did not already list		
Yes. Give specific			
information		MR (A - 1 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2	\$
			\$
		~	\$
			S
			S
	ı		\$
15. Add the dollar value o	f all of your entries from Part 5, including any entries for pages you have attact	and the second s	
for Part 5. Write that n	umber here	nea +	\$
is Commercial	. 27		
			e e e e e e e e e e e e e e e e e e e
Part 6: Describe Ar	y Farm- and Commercial Fishing-Related Property You Own or Have have an interest in farmland, list it in Part 1.	an Interest In	
	and the motivation familiarity, list it in Fall 1.		
6. Do you own or have ar	y legal or equitable interest in any farm- or commercial fishing-related propert	v?	
Mo. Go to Part 7.		•	
Yes. Go to line 47.			
			Current value of the
			portion you own? Do not deduct secured claims
7. Farm animals			or exemptions.
Examples: Livestock, po	ultry, farm-raised fish		
₩ No			
☐ Yes	The second secon	The second second section of the second seco	
		Beckerott or on the graph was a succession of the second	S
245			

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Official Form 106A/B

Schedule A/B: Property

Debtor 1 COASCOT BOOK 129744SC. DOC 132 MARITIPD	^{epp} ###dd1 <u>1/43/1/</u> 488 E P####dd1<u>1/43/1/</u>48 23 oumaeht P ## ##################################	184658 Dessc
48. Crops—either growing or harvested		
☐ No☐ Yes. Give specific		NO.A Territor and desirable
information	S. C.	S
49. Farm and fishing equipment, implements, machinery, fixto	ures, and tools of trade	
50. Farm and fishing supplies, chemicals, and feed	The state of the s	<u> </u>
□ No		
51. Any farm- and commercial fishing-related property you die		\$
☐ No	a not already list	
information		
52. Add the dollar value of all of your entries from Part 6, included for Part 6. Write that number here	uding any entries for pages you have attached	
Section 1995 Annual Control of the C	e Million and a second a second and a second a second and	A SAME A COLOR
Part 7: Describe All Property You Own or Have	e an Interest in That You Did Not List Ab	OVA
53. Do you have other property of any kind you did not alread		
Examples: Season tickets, country club membership		
☑ No ☐ Yes. Give specific		S
information		\$
		\$
54. Add the dollar value of all of your entries from Part 7. Write	that number here	> \$
	en e	
Part 8: List the Totals of Each Part of this For	m	
55. Part 1: Total real estate, line 2		→ \$ 575,000.00
56. Part 2: Total vehicles, line 5	s 57,000.00	
57. Part 3: Total personal and household items, line 15	\$ 2,500.00	
58. Part 4: Total financial assets, line 36	s 3,080.00	
59. Part 5: Total business-related property, line 45	\$	
60. Part 6: Total farm- and fishing-related property, line 52	\$	
61. Part 7: Total other property not listed, line 54	+ s	
62. Total personal property. Add lines 56 through 61	. \$ 62,562,580.00 Copy personal property tot	al → + _{\$} 62,562,580.00
63. Total of all property on Schedule A/B. Add line 55 + line 62		\$637,580.00
		L

Official Form 106A/B

Schedule A/B: Property

page 10

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Exhibit "2"

Fill in this in	o 64 9 dokul 9474.660 formation to identify your case:	Doeddo Eitadd	1/1/3/1/8 8 E 性何何
Debtor 1	Cecil	Edens	
Debtor 2	First Name Middle Nam	e Last Name	
(Spouse, if filing) United States F	ankruptcy Court for the: Central D	2001.14.116	
Case number	annapicy court for the. Gertifal L	district of Camornia	
(If known)			Check if this is an amended filing
Official E	a.m. 1000		· ·
······	orm 106C		
			Claim as Exempt 4/16
space is needed your name and	I, fill out and attach to this page as case number (if known).	s many copies of <i>Part 2: /</i>	ogether, both are equally responsible for supplying correct information. A/B) as your source, list the property that you claim as exempt. If more Additional Page as necessary. On the top of any additional pages, write
of any applicab retirement func imits the exem	le statutory limit. Some exempt s—may be unlimited in dollar a	y, you may claim the ful tions—such as those fo mount. However, if you unt and the value of the	amount of the exemption you claim. One way of doing so is to state a I fair market value of the property being exempted up to the amount r health aids, rights to receive certain benefits, and tax-exempt claim an exemption of 100% of fair market value under a law that property is determined to exceed that amount, your exemption
Part 1: Ide	entify the Property You Clai	m as Exempt	
☑ You are	of exemptions are you claiming claiming state and federal nonba claiming federal exemptions. 11 perty you list on Schedule A/B	nkruptcy exemptions. 11 U.S.C, § 522(b)(2)	your spouse is filing with you. U.S.C. § 522(b)(3) pt, fill in the information below.
Brief descr Schedule /	Brief description of the property and line on Schedule A/B that lists this property		Amount of the exemption you claim Specific laws that allow exemption
		Copy the value from Schedule A/B	Check only one box for each exemption.
Brief description:	Household Goods	\$ <u>1,000.00</u>	□ s
Line from Schedule A	/B: <u>6</u>		✓ 100% of fair market value, up to any applicable statutory limit
Brief description:	Electronics	\$500.00	uri en
Line from Schedule A	B: 7		☑ 100% of fair market value, up to any applicable statutory limit
Brief description:	Clothes/Jewelry	\$1,000.00	
Line from Schedule A	B: <u>11</u>		■ 100% of fair market value, up to any applicable statutory limit
(Subject to a		years after that for cases	s filed on or after the date of adjustment.) 1,215 days before you filed this case?

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Exhibit "3"

	SC Dood:532 File: 1611/12/12/1818 Entere	ce al 1/28/18183	16416608 De	% sc
Fill in this information to identify your cas	ge: gge12gfd	7 24		
Debtor 1 Cecil First Name Middle N	Edens 4ame Last Name			
Debtor 2 (Spouse, if filling) First Name Middle N	Jame Last Name			
United States Bankruptcy Court for the: Central	District of California			
Case number				
(If known)				cif this is an ded filing
			amen	ded illing
Official Form 106D				
Schedule D: Creditor	s Who Have Claims Secure	ed by Prop	erty	12/15
Be as complete and accurate as possible.	If two married people are filing together, both are ed	ually responsible fo	or supplying corre	ct
additional pages, write your name and case	y the Additional Page, fill it out, number the entries	and attach it to this	form. On the top	of any
d. De en marilitare have alain				
1. Do any creditors have claims secured b	ry your property? In to the court with your other schedules. You have nothi		hts r	
Yes. Fill in all of the information below.	n to the court with your other schedules. You have noth	ng else to report on ti	his form.	
Part 1: List All Secured Claims				
2 Lintall account delices 16 - and 1		Column A	Column B	Column C
for each claim. If more than one creditor h	nore than one secured claim, list the creditor separately as a particular claim, list the other creditors in Part 2.	Amount of claim	Value of collatera	
As much as possible, list the claims in alph	nabetical order according to the creditor's name.	Do not deduct the value of collateral.	that supports this claim	portion If any
2.1 Mr. Cooper	Doggribe the appropriate that are a set of		675 000 O	
Mr. Cooper Creditor's Name	Describe the property that secures the claim:	\$ 645,000.00	s_ 575,000.0	0 \$ 70,000.00
8950 Cypress Waters Blvd	45251 Saint Tisbury Street Temecula CA 92592			
Number Street	Sanction of Section of			
	As of the date you file, the claim is: Check all that apply.			
Coppel TX 75019	Contingent			
City State ZIP Code	☐ Unliquidated ☐ Disputed			
Who owes the debt? Check one.				
Debtor 1 only	Nature of lien. Check all that apply.			
Debtor 2 only	 An agreement you made (such as mortgage or secured car loan) 			
Debtor 1 and Debtor 2 only	Statutory lien (such as tax lien, mechanic's lien)			
At least one of the debtors and another	☐ Judgment lien from a lawsuit			
☐ Check if this claim relates to a	Other (including a right to offset)	_		
community debt				
Date debt was incurred 12/01/2004	Last 4 digits of account number 9 8 0	and the control of th	picki piskoponicki protonografija po trajnografija se se opočeje je slogoveni koje koje koje koje koje koje ko	
2.2	Describe the property that secures the claim:	\$	\$	\$
Creditor's Name				
Number Street				
	As of the date you file, the claim is: Check all that apply.	3		
	☐ Contingent			
City State ZIP Code	Unliquidated			
·	☐ Disputed			
Who owes the debt? Check one.	Nature of lien. Check all that apply.			
☐ Debtor 1 only ☐ Debtor 2 only	An agreement you made (such as mortgage or secured car loan)			
Debtor 1 and Debtor 2 only	Statutory lien (such as tax lien, mechanic's lien)			
At least one of the debtors and another	Judgment lien from a lawsuit			
at the same of the	Other (including a right to offset)	···		
☐ Check if this claim relates to a community debt				
Date debt was incurred	Last 4 digits of account number			
Add the dollar value of your entries in 0	Column A on this page. Write that number here:	\$	gartetta kalala tari terreta tari terreta tari terreta terreta terreta terreta terreta terreta terreta terreta	and the state of t
	Pagor witto mide indition field.			

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 6055 E. Washington Blvd., Suite 500, Los Angeles, CA 90040

A true and correct copy of the foregoing document entitled (*specify*): Chapter 7 Trustee's Opposition to the Bank of New York Mellon's Motions for Relief from the Automatic Stay; Memorandum of Points and Authorities; Declaration in Support Thereof will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

- 1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On December 21, 2018, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:
 - John P Pringle (TR) brenfro@rpmlaw.com, jpp@trustesolutions.net
 - Edward A Treder cdcaecf@bdfgroup.com

 United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov Darlene C Vigil cdcaecf@bdfgroup.com Joseph A West westjoseph@earthlink.net
☐ Service information continued on attached page
2. <u>SERVED BY UNITED STATES MAIL</u> : On <u>December 21, 2018</u> , I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge <u>will be completed</u> no later than 24 hours after the document is filed.
Debtor: Cecil Jerry Edens, Jr., 45251 Saint Tisbury St., Temecula, CA 92592
Honorable Scott C. Clarkson, U.S. Bankruptcy Court, 411 W. Fourth Street, Suite 5130, Santa Ana, CA 92701
Service information continued on attached page 3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date), I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.
Service information continued on attached page I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. December 21, 2018 ELSA PEREZ Date Printed Name Signature
This form is mandatory. It has been approved for use by the United States Peaks at the County Factor

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.